
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Present law provides definitions for the terms "capper" and "steerer" as a business agent who attempts to deceive, delude, trick, cheat, swindle, defraud, or mislead someone in the context of funeral goods or services.

Proposed law maintains the terms "capper" and "steerer" and adds the term "runner" defining all three as a person who for monetary or other gain procures or attempts to procure business in collusion with a licensed funeral director or embalmer.

Present law defines "solicitation" as the act or practice of approaching someone in order to steer them to obtain funeral goods or services from a particular provider.

Proposed law more particularizes that definition by referring to any agent, employee, or person acting on behalf of the provider of funeral goods or services.

Present law provides that the board may refuse to grant, refuse to renew, suspend, or revoke the license of a provider of funeral goods or services.

Proposed law includes a sanction or fine in addition to the sanctions listed in present law.

Present law provides that sanctions may be imposed by paying, giving, or offering a thing of value as an inducement for the business of a prospective customer.

Proposed law provides that such thing of value shall be given to a third person.

Present law provides that these provisions shall not prohibit the execution or servicing by the parties of any funeral contract.

Proposed law expands the provisions which shall not be prohibited to include the following:

1. The execution or servicing of a preneed funeral contract.
2. A licensee providing promotional pricing that is clearly disclosed, including the dollar amount of the discount.
3. A licensee providing discounted or free funeral goods or services for infants or other members of an indigent family.

Present law defines "solicitation" in connection with "cappers" and "steerers".

Proposed law broadens the definition of solicitation to include solicitation which is any of the following:

1. Intimidating, overreaching, fraudulent, or misleading.
2. Utilizing undue influence.
3. Taking advantage of a person's lack of knowledge or emotional vulnerability.
4. At-need solicitation.
5. Soliciting, accepting, or paying consideration for recommending a particular provider of funeral goods or services or using the services of cappers, steerers, or runners.

Effective August 15, 2010.

(Amends R.S. 37:831(11), (40), and (73) and 846(A)(intro. para), (2), and (3))